Amendment to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims

Claims 1-3 (cancelled).

Claim 4 (currently amended) The Incentive Spirometer assembly of claim 9~~3~~ further including means for verbally indicating to the user a measurement achieved by the user from the user's performance of the sustained maximal inspiration procedure (SMI) with the Incentive Spirometer device.

Claim 5 (cancelled).

Claim 6 (new) The Incentive Spirometer assembly of claim 9~~5~~ wherein said microcontroller unit continues to direct the audio storage unit to send the first verbal message or another verbal message to the speaker on a spaced apart continuous basis until said microcontroller unit learns that the user has begun to perform a sustained maximal inspiration (SMI) procedure with the Incentive Spirometer device.

Claim 7 (new) The Incentive Spirometer assembly of claim 9~~5~~ wherein after the sustained maximal inspiration (SMI) procedure has been performed by the user said microcontroller unit is programmed to wait for a predetermined therapeutic time period before directing said audio storage unit to send a next initial verbal prompting message to the user for prompting the user to perform another sustained maximal inspiration (SMI) procedure; wherein the user is encouraged to perform multiple sustained maximal inspiration (SMI) procedures with the Incentive Spirometer device during a single day period as therapeutically required.

Claim 8 (cancelled).

Claim 9 (currently amended) ~~The Incentive Spirometer assembly of claim 8~~

An Incentive Spirometer assembly, comprising:

an Incentive Spirometer device,

means for verbally prompting a user to use the Incentive Spirometer device to perform a sustained maximal inspiration (SMI) procedure;

wherein said means for verbally prompting is an electronic assembly in communication with a speaker and means for powering said electronic assembly, said electronic assembly comprising a microcontroller unit and an audio storage unit, said audio storage unit having at least one stored verbal message for prompting the user to use the Incentive Spirometer device to perform the sustained maximal inspiration (SMI) procedure; wherein said microcontroller unit directs the audio storage unit to send a first verbal message to the speaker in order to prompt use of the Incentive Spirometer device by the user; and

means for preventing said microcontroller unit from directing the audio storage unit to send the first verbal message or other verbal messages during certain conditions;

wherein the certain conditions is level of darkness or light in a room in which the Incentive Spirometer device is located to provide the user with a sleep period without disturbance from said means for verbally prompting.

Claim 10 (currently amended) The Incentive Spirometer assembly of claim ~~8~~9 wherein said means for preventing is a photosensor for detecting the level of darkness or light in a room, said photosensor in communication with the microcontroller unit.

Claim 11 (currently amended) ~~The Incentive Spirometer assembly of claim 8~~

An Incentive Spirometer assembly, comprising:

an Incentive Spirometer device,

means for verbally prompting a user to use the Incentive Spirometer device to perform a sustained maximal inspiration (SMI) procedure;

wherein said means for verbally prompting is an electronic assembly in communication with a speaker and means for powering said electronic assembly, said electronic assembly comprising a microcontroller unit and an audio storage unit, said audio storage unit having at least one stored verbal message for prompting the user to use the Incentive Spirometer device to perform the sustained maximal inspiration (SMI) procedure; wherein said microcontroller unit directs the audio storage unit to send a first verbal message to the speaker in order to prompt use of the Incentive Spirometer device by the user; and

means for preventing said microcontroller unit from directing the audio storage unit to send the first verbal message or other verbal messages during certain conditions;

wherein said means for preventing is a deactivation key assembly in communication with the microcontroller unit which prevents the user from turning the means for verbally prompting on and off.

Claim 12 (cancelled)

Claim 14 (currently amended) ~~The Incentive Spirometer assembly of claim 13 further comprising:~~

An Incentive Spirometer assembly, comprising:

an Incentive Spirometer device, and

means for verbally indicating and verbally responding accordingly to a user a measurement achieved by the user from the user's performance of a sustained maximal inspiration (SMI) procedure with the Incentive Spirometer device;

a first conductive element disposed along a first portion of the inner wall and in communication with said means for verbally indicating;

a second conductive element disposed along a second portion of the inner wall and in communication with said means for verbally indicating; and

a third conductive element at least partially disposed on an external portion of said float member; wherein upon inhalation by a user through the user inhalation member said float member rises in synthesis with the first conductive element and the second conductive element accordingly within the interior area and the third conductive element is in communication with the first conductive element and the second conductive element; wherein the point of communication between the third conductive element and the second conductive element corresponds to a volumetric measurement reading based on a relationship of airflow volume being generated by the user's inhalation at a predetermined time.

Claim 15 (previously presented) The Incentive Spirometer assembly of claim 14 wherein the communication by the third conductive element with the first conductive element and the second conductive element upon inhalation by the user completes an electrical circuit causing a

signal corresponding to the volumetric or flowrate measurements reading to be sent to the means for verbally indicating.

Claim 16 (previously presented) The Incentive Spirometer assembly of claim 15 wherein said means for verbally indicating comprising:

an audio response unit;

means for powering said audio response unit; and

a speaker in communication with said audio response unit;

wherein the signal is sent to the audio response unit which generates a verbal message which is sent to the speaker to verbally indicate to the user said volumetric or flowrate measurement readings and also sends a verbal functional message appropriate for the measurement reading.

Claim 17 (previously presented) The Incentive Spirometer assembly of claim 16 wherein said audio response unit including an audio message storage unit which sends a verbal encouragement message to the speaker based on a comparison of the measurement reading to a target measurement, wherein said target measurement is a highest inhalation volumetric flowrate previously performed by the user with the Incentive Spirometer device.

Claim 18 (previously presented) The Incentive Spirometer assembly of claim 17 wherein the verbal encouragement message sent is chosen from a plurality of verbal messages stored in the audio message storage unit; wherein at least one of the plurality of verbal encouragement messages is used where the measurement reading is lower than the target measurement and at least one of the plurality of verbal encouragement messages is used where the measurement reading is higher than the target measurement; wherein the plurality of verbal messages allow an appropriate verbal message to be selected according to the user's measurement performance of the sustained maximal inspiration (SMI) procedure.

Claim 19 (previously presented) A disposable Incentive Spirometer assembly, comprising:

an Incentive Spirometer device having a housing defining an interior area and having an inner wall, said housing having an elongated strip having a first conductive element disposed on

a first portion of the inner wall and a second conductive element disposed on a second portion of the inner wall;

a user inhalation member in communication with the interior area of said housing; and

a float member having a third conductive element disposed within the interior area of said housing;

means for producing a verbal continual prompting to a user to perform a sustained maximal inspiration (SMI) procedure with the Incentive Spirometer device until the user performs the sustained maximal inspiration (SMI) procedure and verbally indicating to the user a volumetric flowrate measurement achieved by the user from use of the Incentive Spirometer device for the sustained maximal inspiration (SMI) procedure;

a speaker in communication with said means for verbally prompting;

wherein said means for verbally prompting sending a first human-like voice message as needed therethrough the speaker prior to use of the Incentive Spirometer device by the user in order to prompt, urge or entice usage of the Incentive Spirometer device by the user under therapeutic guidelines of a sustained maximal inspiration (SMI) procedure and which continues to send verbal messages therethrough the speaker until a first inhalation is performed by the user with the Incentive Spirometer device;

wherein upon inhalation by a user through the user inhalation member said float member rises within the interior area and the third conductive element is in communication with the first conductive element and the second conductive element;

wherein the point of communication between the third conductive element and the second conductive element produces a measurement reading in correlation with said float rising within the interior area for providing a volumetric flowrate measurement;

wherein all measurement readings and messages are audibly brought forth to the user through the speaker in a human-like audible voice; and

a data retaining, formatting and transmitting device for recording the measurement readings.

Claim 20 (previously presented) The disposable Incentive Spirometer assembly of claim 19 further comprising means for deactivating said means for verbally prompting.

Claim 21 (previously presented) The disposable Incentive Spirometer assembly of claim 19 wherein said means for verbally prompting sends a second encouragement message in an audible human-like voice to the speaker based on a comparison of a highest volumetric flowrate target measurement achieved by the user as performed during each sustained maximal inspiration (SMI) procedure as per a required therapy.

Claim 22 (previously presented) The disposable Incentive Spirometer assembly of claim 19 wherein said first verbal prompt message or another verbal prompting message is repeatedly sent to the speaker until the user performs the sustained maximal inspiration (SMI) procedure with the Incentive Spirometer device.

Claim 23 (new) The Incentive Spirometer assembly of claim 11 further including means for verbally indicating to the user a measurement achieved by the user from the user's performance of the sustained maximal inspiration procedure (SMI) with the Incentive Spirometer device.

Claim 24 (new) The Incentive Spirometer assembly of claim 11 wherein said microcontroller unit continues to direct the audio storage unit to send the first verbal message or another verbal message to the speaker on a spaced apart continuous basis until said microcontroller unit learns that the user has begun to perform a sustained maximal inspiration (SMI) procedure with the Incentive Spirometer device.

Claim 25 (new) The Incentive Spirometer assembly of claim 11 wherein after the sustained maximal inspiration (SMI) procedure has been performed by the user said microcontroller unit is programmed to wait for a predetermined therapeutic time period before directing said audio storage unit to send a next initial verbal prompting message to the user for prompting the user to perform another sustained maximal inspiration (SMI) procedure; wherein the user is encouraged to perform multiple sustained maximal inspiration (SMI) procedures with the Incentive Spirometer device during a single day period as therapeutically required.